

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUIGI GIROTTO,

Plaintiff,

-v-

LABORATORY CORPORATION OF AMERICA
HOLDINGS, et al.,

Defendant.

21 Civ. 4434 (PAE)

ORDER OF
DISCONTINUANCE

PAUL A. ENGELMAYER, District Judge:

The Court having been advised by the parties that all claims as between plaintiff and defendants have been settled in principle, it is ORDERED that the above-entitled action is hereby dismissed and discontinued without costs, and without prejudice to plaintiff's right to reopen the action within thirty days of the date of this Order if the settlement is not consummated.¹


To be clear, any application to reopen must be filed within thirty days of this Order; any application to reopen filed thereafter may be denied solely on that basis. Further, if the parties wish for the Court to retain jurisdiction for the purposes of enforcing any settlement agreement, they must submit the settlement agreement to the Court within the same thirty-day period to be "so ordered" by the Court. Per Paragraph 4(C) of the Court's Individual Rules and Practices for

¹ The Court has been advised that the cross claims asserted by the Defendants against each other, which are state law claims, are the only claims remaining in the case. Given the case's early stage, and the corresponding lack of discovery, the Court declines to exercise supplemental jurisdiction over these remaining claims. *Ergowerx Int'l, LLC v. Maxell Corp. of Am.*, 18 F. Supp. 3d 453, 456 (S.D.N.Y. 2014), *aff'd*, 615 F. App'x 689 (Fed. Cir. 2015); *Loren v. City of New York*, No. 16 Civ. 3605 (PAE), 2017 WL 2964817, at *5 (S.D.N.Y. July 11, 2017). The defendants are at liberty to pursue such claims in state court.

Civil Cases, unless the Court orders otherwise, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record.

The Clerk of Court is respectfully directed to terminate this case.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: November 15, 2021
New York, New York